

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

FAYE R. HOBSON,	)	
	)	
Plaintiff,	)	Civil No. 3:14-cv-1540
	)	Judge Trauger
v.	)	Magistrate Judge Bryant
	)	
CHUCK HAGEL,	)	
	)	
Defendant.	)	

**ORDER**

On August 17, 2015, the Magistrate Judge issued a Report and Recommendation (DE #25), to which the plaintiff has filed “Partial Objections” (DE #29), to which the defendant has filed a response (DE #30).

When a magistrate judge issues a report and recommendation regarding a dispositive pretrial matter, the district court must review *de novo* any portion of the report and recommendation to which a specific objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C); *United States v. Curtis*, 237 F.3d 598, 603 (6<sup>th</sup> Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6<sup>th</sup> Cir. 1993). Objections must be specific; an objection to the report in general is not sufficient and will result in waiver of further review. See *Miller v. Currie*, 50 F.3d 373, 380 (6<sup>th</sup> Cir. 1995).

The plaintiff does not object to the overall conclusions in the Report and Recommendation. Her objection is addressed to one sentence where the magistrate judge seems to speculate that “it is nearly impossible that Plaintiff applied for and was denied selection for over twenty positions within the limited timeframe required for the filing of EEO complaints under federal law”. (DE #25 at 7). This statement on the part of the magistrate judge is


surplusage that is not necessary to the findings and conclusions. As such, the plaintiff's objection to it does not constitute an objection to the dismissal of certain claims in her Complaint for which she has failed to exhaust her administrative remedies. Since it does not go to the merits of the ruling, the plaintiff's objection is **OVERRULED**.

The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the defendant's Partial Motion to Dismiss (DE #14) is treated as a partial motion for summary judgment pursuant to Rule 12(d), Fed. R. Civ. P., and is hereby **GRANTED**. The claims made by the plaintiff in paragraphs 11 and 15 of her Complaint are **DISMISSED WITH PREJUDICE** for failure to exhaust administrative remedies. The defendant's motion is **DENIED** as to the plaintiff's claims of discrimination with regard to her non-selection for the LARS position and the AP position.

This case shall be returned to the magistrate judge for further handling under the original referral order.

It is so **ORDERED**.

Enter this 15<sup>th</sup> day of September 2015.

  
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Aleta A. TRAUGER  
U.S. District Judge